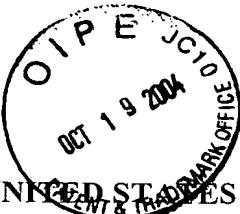


Docket No. 4468-020



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PATENT IJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s): TOMITA, MASAYUKI

: Confirmation No.5837

U.S. Patent Application No. 09/901,150

: Group Art Unit: 2133

Filed: July 10, 2001

: Allowed: September 24, 2004  
: Examiner: Baker, Stephen M.

For: BIT ERROR MEASUREMENT APPARATUS AND METHOD AND RECORDING MEDIUM

**REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated September 24, 2004.

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed on August 31, 2004. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement.

Applicant hereby respectfully requests that:

- (1) the appropriately acknowledged PTO-1449 be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Kenneth M. Berner  
Registration No. 37,093

Date: October 19, 2004  
USPTO Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
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KMB;iyr



PATENT

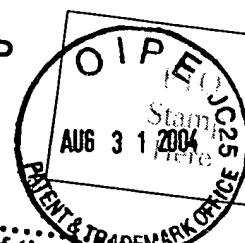
Docket No.: 4468-020

Date Filed/Issued: July 10, 2001

The Stamp of the U.S. Patent & Trademark Office

LOWE HAUPTMAN GILMAN & BERNER, LLP

Appln No.: 09/901,150 Patent No.:  
Applicant(s): TOMITA, MASAYUKI



<input type="checkbox"/> Acknowledgement, Req.	_____	No Fee	\$ _____
<input type="checkbox"/> Amendment/Response	_____	\$ _____	\$ _____
<input type="checkbox"/> Amendment After Final	_____	\$ _____	\$ _____
<input type="checkbox"/> Appeal Brief (in Triplicate)	_____	\$ _____	\$ _____
<input type="checkbox"/> Assignment	_____	\$ _____	\$ _____
<input type="checkbox"/> Certificate of Correction	_____	\$ _____	\$ _____
<input type="checkbox"/> Change of Address	_____	\$ _____	\$ _____
<input type="checkbox"/> Claim of Priority	_____	No Fee	\$ _____
<input type="checkbox"/> Corr. Not. of Recordation, Req.	_____	No Fee	\$ _____
<input type="checkbox"/> Declaration, Subst/Supp	_____	No Fee	\$ _____
<input type="checkbox"/> Drawing Revision, Req.	_____	\$ _____	\$ _____
<input type="checkbox"/> Extension of Time, Petition	_____	No Fee	\$ _____
<input type="checkbox"/> Filing Rcpt, Req for Corr	_____	No Fee	\$ _____
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<input checked="" type="checkbox"/> IDS/Form 1449/Ref(s)	\$ _____
<input type="checkbox"/> Issue/Publication Fee	\$ _____
<input type="checkbox"/> Maintenance Fee	\$ _____
<input type="checkbox"/> Missing Parts, Resp w/Dec.	\$ _____
<input type="checkbox"/> Notice of Appeal	\$ _____
<input type="checkbox"/> Oral Hearing, Req.	\$ _____
<input type="checkbox"/> Power of Attorney	\$ _____
<input type="checkbox"/> Priority Document(s)	No Fee
<input type="checkbox"/> Refund, Req.	No Fee
<input type="checkbox"/> Reply Brief (in Triplicate)	No Fee
<input type="checkbox"/> Restriction/Election Response	No Fee
<input type="checkbox"/> Revoke Pwr Atty/New Appt.	No Fee
<input type="checkbox"/> Status Inquiry	No Fee
<input type="checkbox"/> Terminal Disclaimer	No Fee

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 Filed by: KMBiyr      Amount \$ \_\_\_\_\_  
 Date: August 31, 2004



Docket No.: 4468-020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of

Inventor(s): TOMITA, MASAYUKI

: Confirmation No.5837

U.S. Patent Application No. 09/901,150

: Group Art Unit: 2133

Filed: July 10, 2001

: Examiner: BAKER, Stephen M.

For: BIT ERROR MEASUREMENT APPARATUS AND METHOD AND RECORDING MEDIUM

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of the Final Rejection or Notice of Allowance.

**CERTIFICATION PARAGRAPH**

The undersigned hereby certifies that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the

information disclosure statement (37 CFR 1.97 (e)(1)). A copy of the foreign search report is enclosed for the Examiner's information.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**



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Facsimile: (703) 518-5499  
**Date: August 31, 2004**

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.